

**HOUSE BILL NO. 1028**

Introduced by

Legislative Management  
(Health Care Committee)

1 A BILL for an Act to create and enact a new chapter to title 43, a new section to chapter 50-06,  
2 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the  
3 regulation of community health workers, a community health worker collaborative, and medical  
4 assistance reimbursement for community health worker services; to provide for a community  
5 health worker task force; to provide a statement of legislative intent; to provide for a legislative  
6 management report; and to provide for a report to the legislative assembly; to provide an  
7 appropriation; and to provide an effective date.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and  
10 enacted as follows:

11 **Definitions.**

12 As used in this chapter:

13 1. "Community health worker" means an individual certified under this chapter.

14 2. "Department" means the department of health and human services.

15 **Title - Prohibition.**

16 An individual may not use the title "community health worker" unless that individual is  
17 certified as a community health worker under this chapter.

18 **Scope of practice.**

19 A community health worker may provide preventative health services to prevent disease,  
20 disability, or other health condition or their progression for an individual with a chronic condition  
21 or at risk for a chronic condition who is unable to self-manage the chronic condition or for an  
22 individual with a documented barrier that affects the individual's health. A community health  
23 worker may not practice within the scope of practice of another regulated profession, such as  
24 nursing, medicine, dentistry, pharmacy, or psychology.

1 **Certification.**

2 1. The department shall establish certification standards for an applicant seeking  
3 certification as a community health worker.

4 2. In implementing this section, the department may:

5 a. Adopt rules;

6 b. Charge a fee for certification and recertification;

7 c. Contract with a third party; and

8 d. Require an applicant to meet education and experience requirements.

9 **SECTION 2.** A new section to chapter 50-06 of the North Dakota Century Code is created  
10 and enacted as follows:

11 **Community health worker collaborative.**

12 1. The community health worker collaborative is composed of the following individuals  
13 appointed by the executive director of the department, who, except for the initial  
14 appointments, shall serve three-year terms:

15 a. A health system community health worker;

16 b. An emergency medical services community health worker;

17 c. A community-based community health worker;

18 d. A health system program manager;

19 e. A community health worker training program representative;

20 f. A medical assistance program representative;

21 g. A behavioral health or substance use disorder representative;

22 h. An emergency medical services program supervisor;

23 i. A federally qualified health care center community health worker;

24 j. A community health representative from the Turtle Mountain Band of Chippewa  
25 Indians;

26 k. A community health representative from the Spirit Lake Tribe;

27 l. A community health representative from the Three Affiliated Tribes of the Fort  
28 Berthold Reservation;

29 m. A community health representative from the Sisseton-Wahpeton Oyate of the  
30 Lake Traverse Reservation;

31 n. A community health representative from the Standing Rock Sioux Tribe;

1        o. A department representative, who shall serve as the presiding officer; and

2        p. A department representative, who shall provide staffing services to the  
3        collaborative, who shall serve as a nonvoting member.

4        2. The commission shall advise the department on community health worker education  
5        and training, certification and regulation, and medical assistance reimbursement,  
6        including:

7        a. The qualifications required to be a community health worker;

8        b. A workforce development and retention plan for community health workers;

9        c. The role of community health workers;

10       d. The community health worker core competencies; and

11       e. Affordable training pathways for community health workers.

12       3. Each member of the collaborative is entitled to reimbursement of mileage and  
13       expenses incurred in performing official duties as provided by law for state officers and  
14       employees to be paid by the department.

15       **SECTION 3.** A new section to chapter 50-24.1 of the North Dakota Century Code is created  
16 and enacted as follows:

17       **Community health workers - Scope of coverage.**

18       1. Medical assistance coverage, including Medicaid expansion, must include payment for  
19       services provided by a community health worker certified under section 1 of this Act  
20       who is providing services within the scope of practice for a community health worker.

21       2. Services covered under this section must be under a care plan ordered by a licensed  
22       physician, physician assistant, registered nurse, advanced practice registered nurse,  
23       dentist, pharmacist, or psychologist.

24       3. Covered services include care coordination, health system navigation, resource  
25       coordination, health promotion and coaching, and health education.

26       4. Noncovered services include advocacy on behalf of the recipient, case or care  
27       management, child care, chore services, companion services, employment services,  
28       helping a recipient enroll in a government program or insurance, interpreter services,  
29       medication or medical equipment delivery, personal care services, respite care,  
30       services outside the scope of the ordered care plan, socialization, transporting the  
31       recipient, and travel.

1 5. The department shall adopt rules to implement this section. The rules may include  
2 identification of qualifying chronic conditions for a receipt of community health worker  
3 services, identification of barriers that affect a recipient's health, and covered and  
4 noncovered services.

5 **SECTION 4. COMMUNITY HEALTH WORKER TASK FORCE - REPORT TO**  
6 **LEGISLATIVE MANAGEMENT.**

7 1. During the 2023-24 interim, the department of health and human services shall  
8 establish and provide staffing and administrative services to a community health  
9 worker task force.

10 2. The membership of the community health worker task force appointed by the  
11 department of health and human services must include representatives of the:

12 a. Department of health and human services, including the division of health equity  
13 and division of aging services;

14 b. Department of career and technical education;

15 c. Department of public instruction;

16 d. State board of higher education;

17 e. Insurance department;

18 f. University of North Dakota school of medicine and health sciences center for  
19 rural health;

20 ~~f.g.~~ University of North Dakota and North Dakota state university schools of public  
21 health;

22 ~~g. Health insurance sector;~~

23 h. Private health insurers operating in the state;

24 i. Health care sector, including qualified service providers, community health  
25 workers, and community health representatives; and

26 ~~i.j.~~ Tribal nations in the state.

27 3. During the 2023-24 interim, the community health worker task force, in collaboration  
28 with the department of health and human services, shall:

29 a. Develop a data-driven plan for community health worker scope of work,  
30 education and training, certification and regulation, and medical assistance  
31 reimbursement.

1           b. Provide periodic status reports to the legislative management.

2           c. ~~Prepare a bill draft to implement the community health worker plan~~Provide to the  
3           department of health and human services a proposal for a Medicaid state plan  
4           amendment or waiver to include community health workers in preventative  
5           services.

6           d. Provide to the department of health and human services proposed administrative  
7           rules for the community health worker scope of work, education and training,  
8           certification and regulation, and medical assistance reimbursement.

9           e. Identify potential members to serve on the community health worker  
10          collaborative.

11       ~~4. The department of health and human services shall request introduction of the~~  
12       ~~community health worker task force bill draft to the sixty-ninth legislative assembly.~~

13           **SECTION 5. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**

14       **COMMUNITY HEALTH WORKER TASK FORCE.** There is appropriated out of any moneys in  
15       the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000, or so  
16       much of the sum as may be necessary, to the department of health and human services for the  
17       purpose of contracting with a third party to assist the community health worker task force with  
18       data collection and meeting facilitation, for the ~~biennium period~~biennium period beginning July 1, 2023, and  
19       ending June 30, ~~2025~~2024. The department is authorized one full-time equivalent position for  
20       the purpose of assisting the community health worker task force and staffing the community  
21       health worker collaborative.

22           **SECTION 6. REPORT TO THE LEGISLATIVE ASSEMBLY - STATEMENT OF**

23       **LEGISLATIVE INTENT.** It is the intent of the sixty-eighth legislative assembly that the  
24       department of health and human services include in its 2023-25 biennium budget request  
25       submitted to the sixty-ninth legislative assembly the costs of funding the community health  
26       worker activities, including the costs of funding the regulation of community health workers and  
27       the costs of funding the community health worker collaborative. The executive director of the  
28       department of health and human services shall report to the human services standing  
29       committees of the sixty-ninth legislative assembly on the status of the Medicaid waiver or state  
30       plan amendment for reimbursement of community health worker services.

31       **SECTION 7. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 2024.